

DANIEL M. HERRIGAN

2013 FEB 15 PM 2:05

IN THE COURT OF COMMON PLEAS

SUMMIT COUNTY, OHIO

2013 02 10 08

WILMA McMENAMEE FINLAW and
JOHN FINLAW
2032 Quayle Dr.
Akron OH 44312

Plaintiff,

YUM! BRANDS, INC., dba TACO BELL
1299 Canton Rd.
Akron OH 44312

And

JANE DOE (present identity and Summit
County address unknown)

Defendants.

CASE NO.

JUDGE

Judge Tammy O'Brien

COMPLAINT

Type: Civil Action for Personal Injury

Plaintiffs, Wilma McMenamée Finlaw and John Finlaw, state for their Complaint against
Defendant, Yum! Brands, Inc., d.b.a, Taco Bell, and Jane Doe as follows:

FIRST CLAIM FOR RELIEF

(Cause of Action: Negligence)

1. At all times pertinent to this action, Defendant, YUM! Brands, Inc., was a Kentucky Corporation licensed to do business in the State of Ohio whose business consisted in part of retail food establishments, one of which was Defendant, Taco Bell at 1299 Canton Road, Akron, Ohio.

2. At all times pertinent to this action the Plaintiffs, Wilma McMenamée Finlaw and John Finlaw, were patrons and invitees of the Defendants at the store located at 1299 Canton Road, Akron, Ohio.

3. On November 1, 2012, this property was open to the public and was being patronized by the Plaintiffs when the incident which caused her serious bodily injury occurred as set forth below.

4. Up to and including November 1, 2012, the Defendants, by and through their agents and/or employees willfully and wantonly created a condition that they knew or should have known was unlikely to be discovered by patrons entering and exiting the establishment.

5. With respect to Defendant, Jane Doe, the present identity and address is unknown, and the Plaintiffs state as follows:

- a. At all times pertinent to this action she was a manager of the store in question and an agent and/or employee of Defendant, Yum! Brands, Inc., d.b.a., Taco Bell;
- b. After she had taken steps to make the premises more safe which would have eliminated the danger to its invitees including but not limited to the Plaintiffs, she failed to take steps to correct a known defective condition and/or to warn the invitees of the store of the presence of this danger;
- c. This Defendant was negligent and reckless in failing to take steps to correct, guard against or warn invitees which directly and proximately lead to the condition that caused Plaintiff, Wilma McMenamée-Finlaw, to be seriously injured on November 1, 2012.

6. As a direct and proximate result of the willful and wanton misconduct and negligence of the Defendants and each of them, Plaintiff Wilma McMenamée Finlaw sustained injuries which were permanent in nature including but not limited to loss of enjoyment of a normal life.

7. As a direct and proximate result of the willful and wanton misconduct of the Defendants this Plaintiff is experiencing pain, suffering, mental anguish, emotional distress; has

required hospital and medical treatment and care for injuries and will continue to do so for the future; has incurred expenses for this care and treatment and will continue to do so for an indefinite period based on her medical provider's recommendations.

WHEREFORE, Plaintiff, Wilma McMenamée Finlaw, demands judgment against Defendants, YUM! Brands, Inc., dba Taco Bell, and Jane Doe, jointly and severally, in a sum in excess of Twenty-Five Thousand Dollars (\$25,000.00) together with interest as allowed by law and the costs of this action.

SECOND CLAIM FOR RELIEF
(Cause of Action: Loss of Consortium)

8. Plaintiff, John Finlaw, the husband of Plaintiff, Wilma McMenamée Finlaw incorporates by reference as if fully rewritten the allegations in the First Claim for Relief.

9. As a direct and proximate result of the willful and wanton misconduct of the Defendants, this Plaintiff has sustained loss of care, companionship, consortium, society and services of his wife and will continue to do so for the indefinite future.

WHEREFORE, Plaintiff, John Finlaw, demands judgment against Defendants, YUM! Brands, Inc., dba Taco Bell, and Jane Doe, jointly and severally, in a sum in excess of Twenty-Five Thousand Dollars (\$25,000.00) together with interest as allowed by law and the costs of this action.

THIRD CLAIM FOR RELIEF
(Cause of Action: Emotional Distress)

10. Plaintiff, John Finlaw, husband of Plaintiff, Wilma McMenamée-Finlaw, incorporates by reference as though fully rewritten the allegations of the First and Second Claims for Relief.

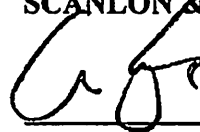
11. On November 1, 2012 Plaintiff, John Finlaw, was accompanying his wife into the Taco Bell Restaurant located at 1299 Canton Road, Akron, Ohio, 44312, when he was witness to her serious injury.

12. At all times pertinent to this action, as husband to the Plaintiff, Wilma McMenamée-Finlaw, and while in the zone of danger himself, suffered emotional distress and mental anguish as a result of witnessing his wife's injury and distress at the scene of this injury.

WHEREFORE, Plaintiff, John Finlaw, demands judgment against Defendants, YUM! Brands, Inc., dba Taco Bell, and Jane Doe, jointly and severally, in a sum in excess of Twenty-Five Thousand Dollars (\$25,000.00) together with interest as allowed by law and the costs of this action.

Respectfully submitted,

SCANLON & ELLIOTT



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IN THE COURT OF COMMON PLEAS, SUMMIT COUNTY, OHIO

CASE NUMBER: CV-2013-02-1008

WILMA MCMENAMEE FINLAW
2032 QUAYLE DR
Akron, OH 44312
Primary Plaintiff

SUMMONS

-VS-

YUM! BRANDS INC
DBA TACO BELL
1299 CANTON RD
Akron, OH 44312
Primary Defendant

TO the following: YUM! BRANDS INC
DBA TACO BELL
PO BOX 37320
Louisville, KY 40233

You have been named as a defendant(s) in a complaint filed in the Summit County Court of Common Pleas, Summit County Courthouse 205 S. High St., Akron Ohio, 44308.

A copy of the COMPLAINT is attached hereto. The name and address of the Plaintiff's attorney is:

LAWRENCE JOSEPH SCANLON
400 KEY BUILDING
AKRON, OH 44308

You are hereby summoned and required to serve upon the attorney listed above, or upon the party, if they have no attorney of record, a copy of an answer to the COMPLAINT within twenty-eight (28) days after service of this summon on you, exclusive of the day of service. Your answer must be filed with the Court within three days after the service of a copy of the answer on the attorney, or upon the party, if there is no attorney of record

If you fail to appear and defend, judgment by default may be rendered against you for the relief demanded in the COMPLAINT.

Daniel M. Horrigan, Clerk, Court Of Common Pleas, Summit County, Ohio.

By s/ MD 02/19/2013